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March 10, 2015

### **VIA ECF**

Honorable Alison J. Nathan  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 615  
New York, NY 10007

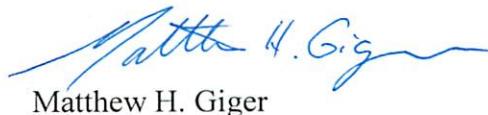
Re: Capitol Records, LLC d/b/a EMI Music North America v.  
Escape Media Group, Inc., 12 Civ. 06646 (AJN)(SN)

Dear Judge Nathan:

This firm represents defendant Escape Media Group, Inc. ("Escape") in the referenced action. I am regrettably compelled to respond, albeit briefly, to the March 6, 2015 letter to Your Honor from Ilene Farkas, counsel for plaintiff ("EMI"). In that letter, which ostensibly concerns the time period for which Escape's Objections to Magistrate Judge Netburn's Report and Recommendation (the "Objections") have been pending, Ms. Farkas interjects gratuitous rhetoric concerning her client's views of the merits of the case, requesting that Your Honor "compel" Escape to "cease infringing." But whether or not Escape is liable for "infringing" EMI's copyrights or, to the contrary, is protected by the safe harbor provisions of the Digital Millennium Copyright Act, is a central question in this action that is addressed in the pending Objections and EMI's response thereto. Rather than engage Ms. Farkas in an inappropriate merits debate through the present correspondence, Escape respectfully relies upon its Objections and related filings. (Doc. ## 93-95.)

Thank you for your attention to this matter.

Respectfully,



Matthew H. Giger

cc: Ilene S. Farkas, Esq.  
John J. Rosenberg, Esq.